

Applicant : Yoshinori Hino et al.  
Serial No. : 10/076,154  
Filed : February 14, 2002  
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Attorney's Docket No.: 10417-118001 / F51-  
142893M/KIK

### REMARKS

Claims 19, 21 and 23 have been amended. Claims 19-33 are pending.

### Specification

The title of the invention has been amended as required by the Examiner.

The paragraph beginning at page 23, line 1 was amended to add reference number 64 to the pad portion. The location of the pad portion was described in that paragraph as "formed by opening a passivation film 62 on the third layer wiring 61 extended to separated region from the region forming the via hole 60." No new matter was added.

### Request for Return of Initialed form PTO-1449

The Applicant requests that the Examiner return an initialed copy of the Information Disclosure Statement Form PTO-1449 submitted April 23, 2003. A copy of the submitted form PTO-1449 is enclosed herein for convenience.

### Drawings

Figure 13 has been amended identify the pad portion with reference number 64.

Figures 14-16 have been amended to add the legend "Prior Art" as required by the Examiner.

### Oath/Declaration

The Applicants have attached an application data sheet that includes a list of the inventors' addresses.

However, the Applicants assert that the previously submitted declaration is in compliance with 37 C.F.R. 1.63, MPEP 602 and, in particular, 605.03. "The mailing or post office address should include the ZIP Code designation" (emphasis added). MPEP 605.03. The language "should" is directory and not obligatory. Also, a ZIP Code (a registered TM from an acronym for "Zoning Improvement Plan") is specific to the United States as used by the U.S. Postal Service. The term "ZIP Code" has no meaning, force or effect in the Japan postal service.

The inventor addresses on the application data sheet include a Japanese mail code as a substitute for the ZIP Code.

Claim Rejections – 35 U.S.C. 112

The Office action stated that Claim 19 was indefinite because the recitation of “a lower layer wiring disposed below the interlayer insulating film” is unclear as to whether it is being referred to as a lower layer wiring disposed in the interlayer insulating film.

The pertinent part of claim 19 recites that “a lower layer wiring” is “disposed below the interlayer insulating film.” (Emphasis added). The Applicants submit that this language is clear. One of ordinary skill in the art would understand that the lower layer wiring is underneath the interlayer insulating film.

Claim 23 has been amended to obviate the antecedent basis rejection. Support for the amendment is found, for example, in the specification at page 14, lines 15-16. No new matter has been added.

In view of the above amendments and remarks, Applicants respectfully request withdrawal of the 35 U.S.C. 112 rejections.

Claim Rejections – 35 U.S.C. 102

Claims 19 to 21 and 30 to 33 have been rejected as being anticipated by Noto et al. The Applicants respectfully traverse this rejection. Claims 19 and 21 have been amended to recite a “via hole” rather than “hole” to clarify the type of hole as described in the specification. *See, for example,* page 6, lines 7-9.

Regarding claim 19, the Office action alleges that the claim is anticipated because by Noto et al. discloses “no hole 12 connecting the upper layer wiring 60 and the lower [layer] wiring 50 is formed under the pad portion 70b (see Fig. 4 of Noto et al.).” This is not true of the Noto et al. reference.

Claim 19 recites that “no hole connecting the upper layer wiring and the lower layer wiring is formed under the pad portion.”

In contrast, according to Noto et al., through holes 16 and 14 are under pad portion 70b. (Fig. 4). Noto et al. discloses, “[t]he second conductor layer 60b is electrically connected with the first conductor layer 50b through a through hole 14 which is provided in the first interlayer insulator film 13.” Col. 6, line 26-29. Through hole 16 is similarly described at col. 6, lines 36-19. Thus, the disclosure of Noto et al. provides for through holes under the pad portion connecting the upper layer wiring and the lower layer wiring. The present application claims “no hole connecting the upper layer wiring and the lower layer wiring is formed under the pad portion.” Claim 19.

Claim 21 recites the same limitation as discussed with respect to claim 19, above, and is not anticipated for at least the same reasons. Claims 20 and 30-33 depend from either claim 19 or 21 and, therefore, also are not anticipated.

The present claims are not anticipated by Noto et al. because Noto et al. does not claim each and every limitation of the present application. The Applicants respectfully request withdrawal of the 35 U.S.C. 102 rejections.

#### Claim Rejections – 35 U.S.C. 103

Claims 28 and 29 have been rejected as being unpatentable over Noto et al. These claims depend from claims 21 and 19, respectively, and would have been unobvious at least for the same reasons as claims 21 and 19 described above.

The present application is not unpatentable over Noto et al. because Noto et al. neither teaches nor suggests the limitation, “no hole connecting the upper layer wiring and the lower layer wiring is formed under the pad portion” or the subject matter of ant of the claims as a whole. Claims 19 and 21. The Applicants respectfully request withdrawal of the 35 U.S.C. 103 rejections.

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Allowable Subject Matter

The Applicants thank the Examiner for indicating that claims 22 and 23 include allowable subject matter. As suggested by the Examiner, claim 22 has been rewritten in independent form. Therefore, claims 22 and 23 should be allowed.

The Applicants submit the following comments concerning the Examiner's Allowable Subject Matter at page 6 of the office Action. It is the subject matter of each claim as a whole that is patentable, not any particular feature recited in the claim(s). The Applicants do not concede that the reasons for allowability given by the Examiner are the only reasons that make the claims allowable and do not make any admission or concession concerning the Examiner's statement on page 6 of the office Action.

Conclusion

Applicant respectfully requests allowance of all claims.

The Applicants do not believe that any charges are due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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